IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.3839 OF 1994.

Mrs.Sarla R. Talreja. ..Plaintiff.
vs.
M/s.Aarti Trading Co. ..Defendants.

AND

SUIT NO.3859 OF 1994.

Smt.Chetna Naresh Sonigra. ..Plaintiff.
vs.
General Polymers & Ors. ..Defendants.

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Mr.Naresh J. Rathani, for the Plaintiff, in Summary Suit No.3839/1994.
None for the Defendants, in Summary Suit No.3839/1994.
None for the Plaintiffs as well as Defendants in Suit No.3859/1994.

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CORAM: S.J.KATHAWALLA, J.
DATE : 17TH JANUARY 2009.

P.C.:

. The Advocate for the plaintiff has produced an order passed by this Court [Coram :- S.U. Kamdar, J.] dated 5th September 2005, wherein the suit is dismissed as infructuous. In the said suit, the suit number is wrongly shown as suit no.3839/1994 and the names of the parties are that of suit no.3859/1994.

2. The learned Advocate for the plaintiff submits that summary suit no.3839/1994 is not dismissed and is very much alive on the records of this Court.

3. The learned Advocate further pointed out that in fact, in suit no.3839/1994, summons for judgment being no.36/1995 was taken out by the plaintiff, which was heard and conditional order was passed dated 3rd September 1988 against the defendants. The defendants have also deposited the amount required to be deposited before this Court.

4. It is, therefore, apparent that the suit no.3859/1994 is dismissed by the order dated 5th September 2005 and not suit no.3839/1994. Office to make note of this order and place suit no.3839/1994 for directions on 9th February 2009.

5. This Court is informed that in suit no.3839/1994, the Advocate appearing for the defendants, Mr. H.C. Subnani has expired. Office to give notice to the defendants informing them that suit no.3839/1994 is kept for directions on 9th February 2009 and if the defendants fail to appear on that day, the Court will be constrained to proceed with the matter ex-parte against the defendants. The plaintiff to also give similar notice to the defendants by registered post A.D.

6. Suit no.3839/1994 is adjourned to 9th February 2009.

[S.J.KATHAWALLA, J.]